

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NBT ASSOCIATES, INC.,

Plaintiff,

v.

Case No. 10-14108

ALLEGIANCE INSURANCE AGENCY CCI,
INC., et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT, AND GRANTING DEFENDANTS' MOTION FOR
LEAVE TO AMEND THE ANSWER TO ADD A COUNTERCLAIM AND TO FILE A
THIRD-PARTY COMPLAINT**

On April 15, 2011, the court held a hearing on Defendants' "Motion for Leave to Amend Answer to Add Counterclaim Against Plaintiff and to File Third-Party Complaint," which has been fully briefed, and also on Plaintiff's "Motion for Leave to File Second Amended Verified Complaint to Add Necessary Parties," which was filed on April 14, 2011, and to which Defendants have not yet had an opportunity to respond. The court granted both motions at the hearing for the reasons stated on the record, with the understanding that Defendants could file a motion for reconsideration if there were some grounds for why Plaintiff's motion should not be granted. The court memorializes that ruling here.

At the hearing, the court stated that after all parties have amended their pleadings, which will ultimately bring additional parties into the case, the court will hold a

scheduling conference with counsel for all parties, and an amended scheduling order will follow.

During the hearing Plaintiff requested, consistent with its response to Defendants' motion, attorney fees associated with its defense of the state-court action in the amount of \$5,225. (Pl.'s Resp. 10.) Counsel for Defendants advised that Defendants would like their motion granted regardless of whether fees are awarded. Therefore, the court granted the motions and took the fees issue under advisement. If fees are to be awarded, a separate order will follow. Accordingly, and for the reasons stated more fully on the record,

IT IS ORDERED that Plaintiff's motion for leave to file a second amended complaint [Dkt. # 30] is GRANTED. Plaintiff shall file its second amended complaint by **April 25, 2011**.

IT IS FURTHER ORDERED that Defendants' motion for leave to amend the answer to add a counterclaim against Plaintiff and to file a third-party complaint [Dkt. # 26] is GRANTED. Defendants shall file their amended answer and third-party complaint by **May 2, 2011**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 18, 2011, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522